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No. 85-224

IN THE  
SUPREME COURT OF THE UNITED STATES  
October Term, 1985

Supreme Court, U.S.  
FILED  
OCT 15 1985

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CLERK

CITY OF RIVERSIDE, LINFORD L.  
RICHARDSON, MICHAEL S. WATTS,  
DAN PETERS, GERALD MILLER, and  
ROBERT PLAIT,

Petitioners,

vs.

SANTOS RIVERA, JENNIE RIVERA,  
DONALD RIVERA, JEROME RIVERA,  
LEE ROY RIVERA, MARK LARABEE,  
ENRIQUE FLORES, and MANUAL  
FLORES, JR.,

Respondents.

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ON PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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PETITIONERS' REPLY TO BRIEF  
IN OPPOSITION TO PETITION FOR  
WRIT OF CERTIORARI

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EST AVAILABLE COPY

QUESTIONS PRESENTED FOR REVIEW:

What are the proper standards within which a district court may exercise its discretion in awarding attorney's fees under Section 1988 of Title 42 of the United States Code.

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## ARGUMENT

I. An award of attorneys fees more than seven times the amount of a judgment which awarded monetary relief only is not "a reasonable attorney's fee" as defined by 42 USC §1988

In seeking review of an attorneys fee award in the sum of \$245,456.25, following a jury award of \$33,350.00 in damages to eight plaintiffs against six of the 32 defendants against whom they had brought suit, Petitioners herein never argued merely for strict adherence to the doctrine of "mechanical proportionality" as Respondents claim throughout their Brief In Opposition (hereafter, "RBO"). Rather, what Petitioners have sought, and what the Ninth Circuit, the District Court, and Respondents have pointedly ignored, is that the concept of "reasonableness" as explained by this Court when it decided to make use of the phrase "billing judgment"

in the case of Hensley v. Eckerhart,  
461 U.S. 424, 103 S.Ct. 1933 (1983), be  
applied to the facts of this case. As  
this Court stated therein:

"The district court should  
exclude from this initial fee  
calculation hours that were  
not "reasonably expended."  
(citations) Counsel for the  
prevailing party should make  
a good faith effort to ex-  
clude from a fee request  
hours that are excessive, re-  
dundant, or otherwise un-  
necessary, just as a lawyer  
in private practice ethically  
is obliged to exclude such  
hours from his fee submission.  
"In the private sector 'bill-  
ing judgment' is an important  
component in fee setting. It  
is no less important here.  
Hours that are not properly  
billed to one's client are  
not properly billed to one's  
adversary pursuant to statu-  
tory authority."

Hensley v. Eckerhart, supra,  
461 U.S. at 434, 103 S.Ct.  
at 1939-1940, quoting from  
Copeland v. Marshall, 641  
F.2d 880, 891 (D.C. Cir.

(1980) emphasis in  
the original

As stated in Petitioners' Petition for Certiorari (hereafter, "PPC"), appellate courts other than the Ninth, seem to have agreed on the necessity of bringing to bear realistic "billing judgment" in order to arrive at a "reasonable" attorneys fee under 42 USC §1988. On the other hand, the instant case is a textbook example of what can happen when the exercise of "billing judgment" required by this Court in Hensley, supra, is not applied to the facts at hand. Herein, nearly a quarter of a million dollars in attorneys fees were awarded by the trial court after jury verdicts yielding not quite one-seventh that amount, and no other relief.

Respondents' vacuous protestations notwithstanding, there is nothing in the

legislative history of section 1988 which could possibly lead to the conclusion that Congress ever intended such a result. Indeed, section 1988 provides for the award of "a reasonable attorney's fee", not an absurdly large one. (PPC, Appendix 16) An award seven times the amount of a jury verdict, on its face, therefore, is hardly one which could be deemed "reasonable."

As Mr. Justice Rehnquist noted less than two months ago when he took the extraordinary action of reversing the Ninth Circuit's refusal to stay issuance of its mandate herein:

"I think the award of attorney's fees in this case, representing more than seven times the amount of the monetary judgment obtained, is so disproportionately large that it could hardly be described as "reasonable."

(On Application for Stay,

No. A-122, August 28, 1985, pp. 4-5; the full text of Justice Rehnquist's Order Granting Stay is attached hereto as Appendix 1; the above quote appears at pp. 10-11)

Noting that neither Hensley, supra, nor Blum v. Stenson, (104 S.Ct. 1541 (1984), "addressed whether disproportionality between the amount of the money judgment obtained and the amount of the attorney's fee, standing alone, is a consideration that might properly lead a court to reduce the fee" (Appendix 1 hereto, pp. 14-15), Mr. Justice Rehnquist concluded that:

"[i]n this case and in City of McKeesport [No. 84-1793] there are only monetary judgments, and it is difficult for me to believe that Congress intended by §1988 to authorize a prevailing plaintiff to obtain more generous court-ordered attorney's fees from a defendant than the plaintiff's attorney might

himself have fairly charged to the plaintiff in the absence of a fee-shifting statute. The billing experience I gained in 16 years of private practice strongly suggests to me that a very reasonable client might seriously question an attorney's bill of \$245,000 for services which had resulted solely in a monetary award of less than \$34,000. In this sense nearly all fees are to a certain extent "contingent," because the time billed for a lawsuit must bear a reasonable relationship not only to the difficulty of the issues involved but to the amount to be gained or lost by the client in the event of success or failure. Nothing in the language of §1988 or in the legislative history set forth above satisfies me that Congress intended to dispense with this element of billing judgment when a court fixes attorney's fees pursuant to the statute."

(On Application for Stay,  
Appendix 1 hereto, pages  
15-17)

II. Demeaning Petitioners' arguments as "fact-specific" in no way lessens their importance; nor does it explain the failure of both the District Court and the Ninth Circuit to address them

Taking their lead from the conduct of both the District Court and the Ninth Circuit, from whose decisions review is currently being sought herein, Respondents have spent a good deal of their allotted time in their Brief in Opposition in not addressing many of the issues raised by Petitioners at all stages of the fee award and review process.

Indeed, rather than attempting to refute Petitioners' arguments, Respondents disdainfully scorn them as merely being "fact-specific" (RBO, p. 13, fn. 6), apparently in an attempt to lessen their importance in the eyes of this Honorable Court, and, hence, to render

them less worthy of review. Oddly, the term "fact-specific" is unexplained by Respondents, although it is urged that such a term can have only one meaning: based upon facts, or, in this case, based upon the record.

These "fact-specific" arguments, not treated by Respondents in their Brief in Opposition (nor below), nor by the trial court in making its fee award, nor by the Ninth Circuit if affirming same, include the non-reduction of Respondents' fees on account of: (1) their lack of contemporaneously kept time records; (2) time records showing duplicative services; (3) time records reflecting travel time only; (4) time records reflecting prelitigation time; and (5) time records reflecting post-litigation time.

Additional "fact-specific" argu-

ments raised by Petitioners include the fact that several items specifically set forth as items to be considered before making fee awards pursuant to 42 USC §1988 in the decisions in both Johnson v. Georgia Highway Express, 488 F.2d 714, 719 (5th Cir. 1974) and Kerr v. Screen Extras Guild, 526 F.2d 67 (9th Cir. 1975), were pointedly ignored by both the Ninth Circuit and the District Court herein (PPC, pp. 20-25).

Not surprisingly, the most prominent among these ignored Johnson/Kerr factors was fee awards in similar cases.

An extremely critical "fact-specific" argument made by Petitioners to the Ninth Circuit, and by ignored by it; and made by Petitioners in their Peti-

tion for Certiorari herein and ignored by Respondents in their Opposition Brief is the matter of the District Court's stated intention, from at all times after the jury verdicts were read, to ignore the law regarding the standards for the award of attorneys fees, and, instead, to do for Respondents by way of an award of attorneys fees what the jury had refused to do by way of judgment. (PPC, Appendix 14, and PPC, pp. 30-34)

Likewise was the ignoring by Respondents in their Brief in Opposition (and by the Ninth Circuit as well) of Petitioners' "fact-specific" arguments regarding the trial court's announced predisposition to reinstate the entire fee award, even after reversal and remand for reconsideration in light of Hensley, supra. As pointed out in the Petition for Certiorari (PPC, pp.34-

37; PPC, Appendix 15), this announced intention of the trial court was made prior to its review of any files and records subsequent to remand. And yet, Respondents continue to refuse to deal with a "fact-specific" issue which in and of itself must be seen as an abuse of the trial court's discretion.

Indeed, none of the above recited "fact-specific" arguments raised by Petitioners to the Ninth Circuit were ever addressed by the same Ninth Circuit panel which previously had affirmed the exact same award of attorneys fees herein. (PPC, Appendices 2, 5) If, as Respondents claim in their Opposition Brief, "these fact-specific arguments . . . were twice rejected by the Courts as lacking merit in light of the record and Hensley's standards" (RBO, p. 13, fn. 6), then these arguments

were rejected only by the Ninth Circuit's and the trial court's refusal to address any of them, absent sweeping statements that everything was done properly.

In conclusion, one "fact-specific" argument which Petitioners herein have continued to raise is that the record in this matter, other than the Ninth Circuit's affirming of the trial court's decision to award attorneys fees in excess of 700% of the amount of the jury award, is utterly silent as to those things which Respondents have chosen to demean as "fact-specific," and which other courts, including this one, have termed necessary guidelines which must be considered before a proper award of attorneys fees may be made under 42 USC §1988.

III. The decision to grant certiorari must be based on the law and the facts as represented by the state of the record herein

The purported "Statement of the Case" as set forth in Respondents' Brief differs from Petitioners' counterpart both in terms of what is specifically related therein, as well as by what is inferred by the judicious turn of a phrase, here and there, by counsel for Respondents.

However, when comparing the two "Statements," it is critical to keep in mind that Petitioners' "Statement" is based entirely on readily verifiable court records attached as appendices to the Petition, while Respondents' "Statement" is based largely either (1) on documents which they themselves prepared, or (2) on "facts" for which there is no verification in the record.

An example of the former is the trial court's Findings of Fact and Conclusions of Law (PPC, Appendix 2), which the trial court ordered Respondents to prepare (RBO, Appendix B, p. 8).

An example of the latter includes references (RBO, p. 3, fn.3) to a final offer of settlement in the amount of \$10,000.00, when, in fact, the actual offer was \$25,000.00 and that sum didn't even include the issue of attorneys fees and costs since it was rejected out of hand by Respondents' counsel. (Even though it turned out to be within \$8,350.00 of the ultimate jury award) Of course, there is nothing in the record to prove what the true facts were in this regard. They are unverifiable.

Further, Respondents try to confuse the issue of the degree of success

which they achieved by backing away from the language of their own complaint with respect to the number of claims involved herein (RBO, pp. 2-3, fn. 1). But regardless of the mathematics used, some verifiable facts remain clear: Eight plaintiffs sued 32 defendants. They prevailed as against only six of these defendants. The remaining 26, including the chief of police (Fred Ferguson) were found to have no liability to plaintiffs. No policies of the City of Riverside or its police department were changed, or even sought to be changed by the Respondents, who pursued the trial of this matter strictly as one for money damages only.

Then, in an attempt to show how much consideration the District Court gave the issue of attorneys fees following remand herein, Respondents state

that the District Court "spent a full six and one half months reviewing the record." (RBO, p. 6) This is untrue, as the record is clear that while six and one half months elapsed between the two "hearings" held by the trial court subsequent to remand, during much of this time, the file was unavailable in storage, while during an unspecified remainder, the trial court just didn't get to it. (RBO, Appendix B, p. 10)

But Respondents' use of innuendo and inference where facts are called for is not limited to the section of their Brief labeled "Statement of the Case." Indeed, in a blatant attempt to cause the belief that their clients are among society's downtrodden, Respondents' attorneys state:

"Congress was well aware such access had not been available to persons like

the respondents in  
the present case."

(RBO, p. 21; emphasis  
added)

As an attempt to engender sympathy, the underlined phrase is effective; but it is entirely a fiction. Respondents were all middle class. The Rivera home, where the incident took place, was a modern, detached, single family residence. None of the Respondents even remotely could be considered to be among the "have nots" of society. More importantly, none of the above facts--like Respondents' above cited inference--can be discerned from the record.

And that is precisely the point. Petitioners have always been more than willing to rely upon the record herein for vindication of their cause. Respondents, the trial court, and the Ninth Circuit, apparently were not and

are not.

For the reason why this remains so one need look no further than the results below from which review is sought: an award of attorneys fees seven times the amount of a jury verdict, in a case in which the individual plaintiffs proceeded only in an attempt to get money damages, where no governmental policies were changed as a result, and in which the lion's share of the defendants (26 out of 32) were found to have no liability to any of the plaintiffs for any reason whatsoever.

Respondents have stated that Petitioners' attempt to gain review of this result is "transparently meritless"

(RBO, p. 11) But once the record herein is studied, once it is ascertained how the intent of Congress in enacting section 1988 has been perverted by such

a result, and once it is apparent that this same type of mischief is occurring elsewhere (e.g., Cunningham v. City of McKeesport, supra), the conclusions as to the merits of the instant Petition for Certiorari must be the same as those reached in August by Mr. Justice Rehnquist, who, after reviewing the record herein, stated:

"I also think, for the reasons stated, that the probability of applicants' succeeding on the merits is substantial."

(On Application For Stay, Appendix 1 hereto, p. 10)

Wherefore, Petitioners respectfully pray that a writ of certiorari be granted.

KOTLER & KOTLER

BY: JONATHAN KOTLER

Attorneys for Petitioners

## APPENDIX 1

SUPREME COURT OF THE UNITED STATES

No. A-122

CITY OF RIVERSIDE, et al. v. SANTOS  
RIVERA, et al.

ON APPLICATION FOR STAY

[August 28, 1985]

JUSTICE REHNQUIST, Circuit Justice.

Applicants, the City of Riverside and five of its current or former police officers, ask that I stay pending disposition of their petition for certiorari the mandate of the Court of Appeals for the Ninth Circuit requiring applicants to pay respondents \$245,456.25 in attorney's fees. The attorney's fees were awarded by the District Court pursuant to 42 U.S.C. §1988, following a trial in which respondents recovered from applicants a total of \$33,350 in damages. This case seems to me to present a significant question involving

the construction of §1988: should a court, in determining the amount of "a reasonable attorney's fee" under the statute, consider the amount of monetary damages recovered in the underlying action? On August 15, 1985, I temporarily stayed the Ninth Circuit's mandate in order to permit further study of the stay application, the response thereto, and the petition for certiorari. Having fully considered the parties' submissions, I now grant the requested stay.

On August 1, 1975, respondents were attending a large private party in the Latino section of Riverside when numerous police officers entered, forcibly broke up the party, and arrested many of the guests, including four of the respondents. The four respondents who were arrested were later prosecuted,

but the charges were dismissed for lack of probable cause. Respondents, in turn, filed suit against the City of Riverside, its chief of police, and thirty police officers, alleging violations of the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, violations of 42 U.S.C. §§1981, 1983, 1985(3), and 1986, and pendent state claims for conspiracy, emotional distress, assault and battery, bodily injury, property damage, breaking and entering a residence, malicious prosecution, defamation, false arrest and imprisonment, and negligence. Respondents sought compensatory and punitive damages, injunctive and declaratory relief, and attorney's fees.

Prior to trial, respondents dropped their requests for injunctive

and declaratory relief, along with their original allegation that the police officers had acted with discriminatory intent. Also prior to trial, seventeen of the individual defendants were dismissed on motions for summary judgment. After a nine-day trial, the jury returned a verdict exonerating another nine of the individual defendants from liability, and awarding \$33,350 to respondents based on eleven violations of §1983, four instances of false arrest and imprisonment, and twenty-two instances of common negligence. Respondents did not prevail on any of their remaining theories of liability, no restraining orders or injunctions were ever issued against any of the defendants, and the City of Riverside was not compelled to, and did not, change any of its practices

or policies as a result of the suit.

Respondents filed a post-trial motion for attorney's fees pursuant to §1988. Following the submission of affidavits documenting the hours spent on the case by counsel for respondents, the District Court awarded respondents \$245,456.25 in attorney's fees. Applicants appealed the award, and the Court of Appeals affirmed. Rivera v. City of Riverside, 679 F.2d 795 (CA9 1982). We granted certiorari, vacated the judgment, and remanded the case for further consideration in light of our then-recent decision in Hensley v. Eckerhart, 461 U.S. 424 (1983). City of Riverside v. Rivera, 461 U.S. 952 (1983). On remand, and after a brief hearing, the District Court again awarded respondents \$245,456.25 in attorney's fees, and the Court of Appeals again affirmed,

this time in an unpublished opinion. The Court of Appeals also denied applicants' motion for a stay pending the disposition by this Court of a petition for certiorari.

At each stage of the proceedings in this case, applicants have challenged the attorney's fee award on the ground that it is disproportionately large in comparison to the amount of the monetary judgment recovered. In the District Court, in opposition to respondents' initial request for nearly \$500,000 in attorney's fees, applicants cited Scott v. Bradley, 455 F.Supp. 672 (ED Va. 1978), for the contention that "there is no reason to provide an economic windfall to plaintiffs' counsel by awarding them 16 times the award received by plaintiffs in the instant action." App. to Pet. for Cert. at

10-21. The opinion of the Court of Appeals on the first appeal states that "[a]ppellants urge this court to reduce the amount awarded . . . because the attorney's fees were disproportionately larger than the jury verdict." Rivera v. City of Riverside, 679 F.2d 795, 797 (CA 9 1982). The Court of Appeals rejected the disproportionality argument, however, holding that "[t]he extent to which a plaintiff has 'prevailed' is not necessarily reflected in the amount of the jury verdict." Id., at 798. Applicants in their petition for certiorari to this Court have framed the more general question of "the proper standards within which a district court may exercise its discretion in awarding attorney's fees to prevailing parties under §1988," but although such a formulation is not a model of specificity,

it does "fairly subsume," inter alia, the disproportionality issue.

There is also presently pending before this Court a petition for certiorari in the case of City of McKeesport v. Cunningham, No. 84-1793, which raises the same issue as to disproportionality between the amount of a money judgment recovered and the size of the attorney's fee award under §1988. In that case the District Court entered judgment for the plaintiff in the amount of ~~\$17,000~~ as damages for the taking of property without due process of law, and plaintiff then moved for an award of some \$35,000 in attorney's fees and costs based on time spent on the case. The District Court, after review of the relevant materials, reduced the amount of the requested award because, among other things, the plaintiff's lawsuit

created no new law and was unlikely to benefit anyone but the plaintiff. On appeal, the Court of Appeals for the Third Circuit reversed, holding that the District Court was wrong in applying what the Court of Appeals characterized as a "negative multiplier" based on the low value of the lawsuit to the general public. Cunningham v. City of McKeesport, 753 F.2d 262, 268-269 (CA3 1985). The Court of Appeals directed that the plaintiffs recover the full amount of attorney's fees claimed.

In my view, the question of the proportionality of \$1988 attorney's fees to the amount of the monetary judgment awarded, a question which seems to me to be presented by each of these cases, is likely to command the votes of four members of the Court to grant certiorari in one of the cases

and to postpone consideration of the certiorari petition in the other pending plenary review of the first. I also think, for the reasons hereafter stated, that the probability of applicants' succeeding on the merits is substantial. As we have previously acknowledged, §1988 was enacted "to ensure 'effective access to the judicial process' for persons with civil rights grievances." Hensley, supra, at 429 (quoting H.R. Rep. No. 94-1558, p. 1 (1976)). At the same time, the statute authorizes only the award of "reasonable" attorney's fees, reflecting Congress's intent that such fees be "adequate to attract competent counsel," yet not so large as to "produce windfalls to attorneys." S. Rep. No. 94-1011, p. 6 (1976); see also H.R. Rep. No. 94-1558, p. 9 (1976). I think the award of attorney's fees in

this case, representing more than seven times the amount of the monetary judgment obtained, is so disproportionately large that it could hardly be described as "reasonable."

The question of what is a "reasonable" attorney's fee involves substantial elements of judgment and discretion in the District Court, but Congress has provided the courts with some guidelines for the exercise of this judgment and discretion. The Senate and House Reports accompanying §1988 refer the courts to the twelve factors identified in Johnson v. Georgia Highway Express, Inc., 488 F.2d 714 (CA5 1974). Those factors include "the amount involved and the results obtained." Hensley, supra, at 430 n. 3. Perhaps more important, the House Committee on the Judiciary, in citing Johnson, chose to

highlight the following five factors:  
"the time and labor required, the novelty and difficulty of the questions involved, the skill needed to present the case, the customary fee for similar work, and the amount received in damages, if any." H.R. Rep. No. 94-1558, p. 8 (1976) (emphasis supplied).

Despite this seemingly clear statement of legislative intent, however, other Courts of Appeals in addition to the Ninth Circuit have held not only that the amount of damages received is not a mandatory consideration in awarding attorney's fees under §1988, but that it is not even a permissible one. For example, in DiFilippo v. Morizio, 759 F.2d 231 (CA2 1985), the Second Circuit held: "We believe a reduction made on the grounds of a low award to be error unless the size of the award

is the result of the quality of representation." Id., at 235. Similarly, in Ramos v. Lamm, 713 F.2d 546 (CA10 1983), the Tenth Circuit stated: "Some courts have reduced fees when the thrust of the suit was for monetary recovery and the recovery was small compared to the fees counsel would have received if compensated at a normal rate for hours reasonably expended. We reject this practice." Id., at 557. Other courts, including the Seventh Circuit, have taken the opposite view. See, e.g., Bonner v. Coughlin, 657 F.2d 931, 934 (CA7 1981) ("[T]he nominal nature of the damages is a factor to be considered in determining the amount of the award. . . . The amount recovered may sometimes indicate the reasonableness of the time spent to vindicate the right violated."); Scott v. Bradley, 455 F.Supp. 672, 675

(ED Va. 1978).

This Court has already recognized that "[t]he product of reasonable hours times a reasonable rate does not end the inquiry. There remain other considerations that may lead the district court to adjust the fee upward or downward, including the important factor of the 'results obtained.'" Hensley, supra, at 434. Similarly, in Blum v. Stenson, \_\_\_ U.S. \_\_\_, 104 S.Ct. 1541 (1984), we explained that "there may be circumstances in which the basic standard of reasonable rates multiplied by reasonably expended hours results in a fee that is either unreasonably low or unreasonably high." Id., at \_\_\_, 104 S.Ct. at 1548. Neither Hensley nor Blum, however, addressed whether disproportionality between the amount of the monetary judgment obtained and the

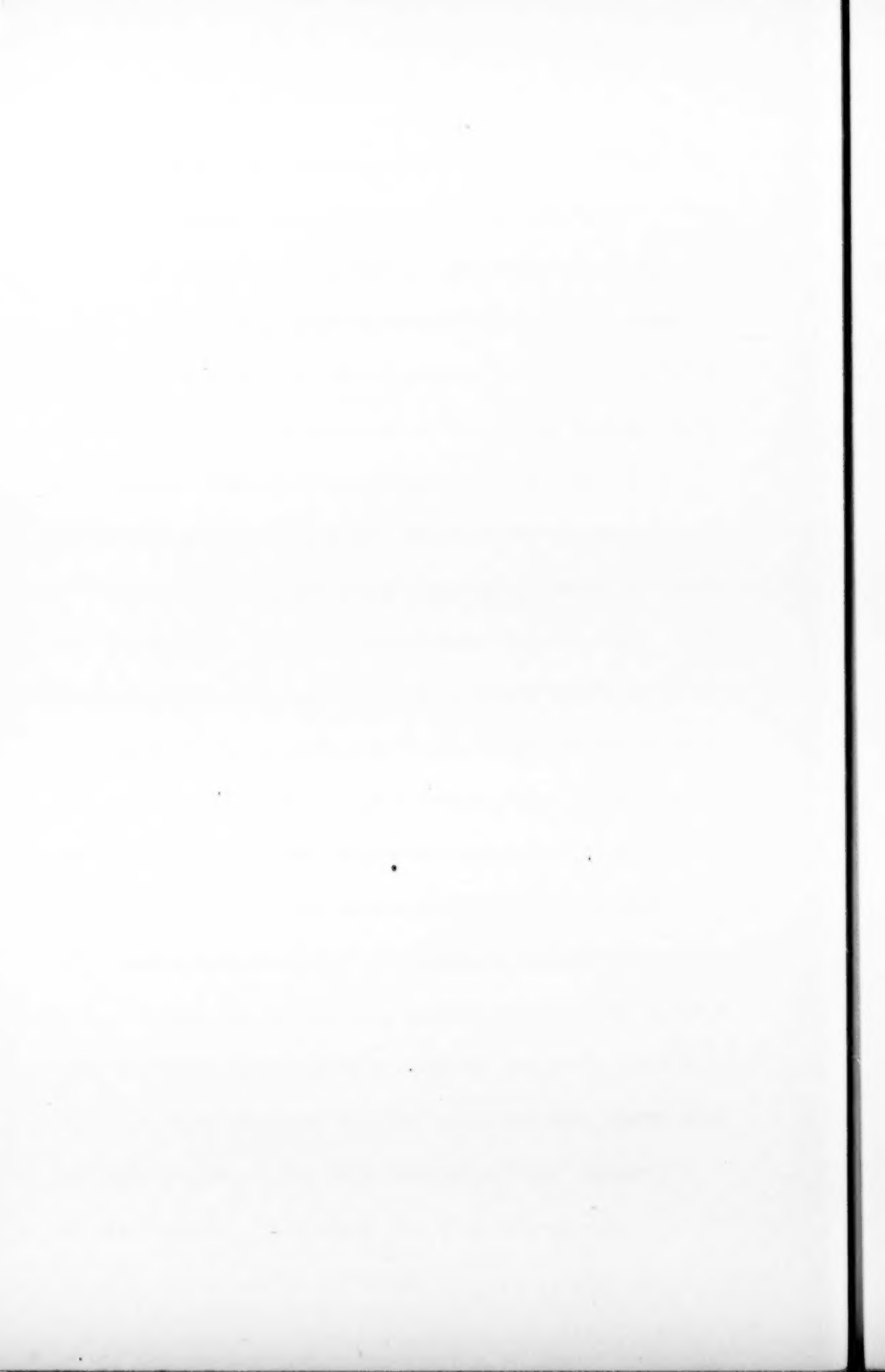
amount of the attorney's fee, standing alone, is a consideration that might properly lead a court to reduce the fee.

This is not to suggest that substantial attorney's fees cannot be awarded in cases involving primarily injunctive or other nonpecuniary relief, see S. Rep. No. 94-1011, p. 6 (1976) ("It is intended that the amount of fees . . . not be reduced because the rights involved may be nonpecuniary in nature."); H.R. Rep. No. 94-1558, p. 9 (1976). Nor would an unusually large attorney's fee necessarily be inappropriate where a defendant's bad-faith conduct requires plaintiff's counsel to spend an inordinate amount of time on a case. But in this case and in City of McKeesport, there are only monetary judgments, and it is difficult for me to believe that Congress intended by

\$1988 to authorize a prevailing plaintiff to obtain more generous court-ordered attorney's fees from a defendant than the plaintiff's attorney might himself have fairly charged to the plaintiff in the absence of a fee-shifting statute. The billing experience I gained in 16 years of private practice strongly suggests to me that a very reasonable client might seriously question an attorney's bill of \$245,000 for services which had resulted solely in a monetary award of less than \$34,000. In this sense nearly all fees are to a certain extent "contingent," because the time billed for a lawsuit must bear a reasonable relationship not only to the difficulty of the issues involved but to the amount to be gained or lost by the client in the event of success or failure. Nothing in the language

of \$1988 or in the legislative history set forth above satisfies me that Congress intended to dispense with this element of billing judgment when a court fixes attorney's fees pursuant to the statute.

Thus, I conclude that it is likely that certiorari will be granted in either his case or City of McKeesport, or both, and that the likelihood of applicants' prevailing on the merits is sufficiently great to warrant the granting of a stay. Respondents contend that the supersedeas bond previously posted by applicants is inadequate to cover interest on the amount of the judgment, but this is an issue which may more properly be addressed in the first instance by the District Court.



## PROOF OF SERVICE BY MAIL

I am a citizen of the United States and a resident of the City and County of Los Angeles; I am over the age of eighteen years and not a party to the within action; my business address is: 3550 Wilshire Boulevard, Suite 916, Los Angeles, California. On this date, October 7, 1985, I served the within PETITIONERS' REPLY BRIEF in re: "City of Riverside vs. Santos Rivera" in the Supreme Court of the United States October Term, 1985, No. 85-224;

on the persons interested in said action by placing 3 true copies thereof enclosed in sealed envelopes with first class postage prepaid, in the United States post office mail box at Los Angeles, California, addressed as follows:

GERALD P. LOPEZ  
Stanford Law School  
Crown Quadrangle  
Stanford, CA 94305

PATRICK O. PATTERSON, JR.  
UCLA School of Law  
405 Hilgard Avenue  
Los Angeles, CA 90024

All parties required to be served have been served.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
Executed on October 7, 1985  
at Los Angeles, California.

Kathleen Keltnerbach